



San Martin Neighborhood Alliance, Inc.

“Together We Make A Difference”

March 24, 2005

Mr. Arthur G. Baggett, Chair
State Water Resources Control Board
1001 I Street, 24th Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100

RE: San Martin Neighborhood Alliance response to State Board March 1st, 2005 draft response regarding Olin Corporation and Standard Fusee, Inc. petition regarding the Central Coast Region Cleanup or Abatement Order No. R4-2004-0101

Dear Mr. Baggett:

The San Martin Neighborhood Alliance, Inc., is writing this letter in response to the State Water Resources Control Board (SB) March 1st, 2005 draft response to the Olin, Standard Fusee (Petitioners) petition of the Central Coast Region (RB) Cleanup or Abatement Order (CAO) No. R4-2004-0101. We appreciate this opportunity for interested parties, including residents of our impacted community, to provide input prior to the SB issuing a final decision.

BACKGROUND: In January 2003, residents of our community received the shocking news that our wells had been contaminated by Perchlorate for over 40 years. Wells are our “only” source of water!!! Perchlorate threatens the quality of life for impacted residents in our community; especially our most valuable resource – our children!!!

When residents first heard about this contamination issue, most folks could not even pronounce the word ‘Perchlorate’ much less understand the effects nor what possible remediation measures were available. Fortunately we had a ‘grass roots’ organization of local residents that had gained the respect of the community and local officials. San Martin Neighborhood Alliance (SMNA) is the name of this organization and our goal is to protect the quality of life for residents of this unincorporated community. The Perchlorate contamination issue became a top priority for SMNA.

We immediately started to network. One of the SMNA members had recently retired from the Santa Clara Valley Water District (WD) and she was able to provide valuable contacts. As a result, we were able to assist the WD advertise their February 2003

community Perchlorate meeting. There were over 1000 very angry community residents that attended that meeting. The 'expert' panel included several County and State officials. All attendees walked away from that meeting realizing that the officials really did not know much about the effects of Perchlorate much less how to clean it up. We did learn that the panel expected it to take 4 or 5 decades to remediate this contamination issue. 'Together' we have come a long way since that evening.

SMNA Board members walked away from that meeting saying – 'No Way'. We were dedicated to doing whatever we could to prevent the residents of this wonderful community from having to deal with this issue for 40-50 years. We also were dedicated to encouraging all stakeholders to use all time, energy and money to remediate the issue rather than add additional layers to the problem such as litigation. We support protective action, yet reasonable and not fear-based.

SMNA continued networking efforts and eventually started working with regulatory agency staff from the Central Coast Regional Water Control Board. Together we decided to establish the Perchlorate Community Advisory Group (PCAG). The SMNA President agreed to take on the responsibility of setting up the team. The membership of PCAG consists of a broad cross-section of residents (Morgan Hill, San Martin and Gilroy); Agencies (such as RB, WD, County Ag, EPA research team, and local water companies); and State legislative staff.

PCAG holds monthly meetings, the first being April 2003. With the encouragement, assistance and leadership of the Central Coast Regional Board, PCAG has become an effective, dedicated, cohesive team whose members believe the keys to successful problem solving are education, open-communication and active listening. In SMNA's view, PCAG has taken a very responsible, productive approach to this contamination issue. The positive results experienced are due to the collaborative work of the broad cross-section of talented, persistent Agency Staff, elected representatives, community residents and the Olin Corporation.

SMNA RESPONSE: The SMNA Board has stayed on top of this contamination issue, and provides the community with up to date information via our website, newsletters and monthly meeting discussions. The Board has also carefully reviewed the SB March 1st, 2005 draft response to the Petitioners petition. With all due respect, SMNA does not agree with the SB findings as reported in this draft response. We support the RB Alternative Water Supply CAO as written for the reasons herein.

1. SMNA supports continued free delivered water, on a tiered schedule, to all residents as outlined in the RB CAO. This is very important as Perchlorate well contamination detections significantly vary from season to season, as does our water table. The last two years have been very 'wet' years and the water table is currently very high. As a result, we may be receiving lower contamination data than would exist in 'dry' months/years. We believe this to be due to the fact that many wells are multi-screened and thereby when the water table is high, waters from unaffected aquifers may dilute the Perchlorate contamination. 'Dry' months/years would have a lower

water table and thereby may see a much higher level of Perchlorate contamination. Until more data is acquired on this topic, we must provide the appropriate level of protection for residents.

2. The SB has an opportunity to lessen the community concerns. SMNA encourages you to support the RB Alternative Water CAO as written. Changing the level of protection for impacted residents at this time is adding fuel to the fire. The ever-changing “safe” level findings have created havoc within the impacted community, characterized by fear, confusion, uncertainty and distrust. Some of the areas of concern are as follows: a) The lack of federal and state standards, b) The PHG was established at 6ppb, which did not match what residents were being told at that time was the safe-level, c) OEHHA may reconsider the PHG, which means it could go up or down, d) Action Level changed from 4ppb to 6ppb, and e) NAS and EPA findings and changing positions.
 - a. SMNA request that the SB not add additional concern by making yet another change in the system that has been underway for two years. We encourage you to maintain the current level of protection proposed by the RB Alternative Water CAO as written.
3. SMNA also desires to go on record as being in total support of all PCAG submittals, which are included in their response letter to the SB. Out of respect for your time, we will only include the following brief summary of key points from the PCAG letter.
 - a) The Central Coast RB did not abuse its discretion.
 - b) Regional Water Quality Control Boards have the authority to require alternative water supplies pursuant to a cleanup.
 - c) Water Code 13304 and State Board Resolution 92-49 do in fact support the RB Alternative Water CAO regarding bottled water tiered requirements.
 - d) The alternative water provided “shall meet all federal, state, and local drinking water standards ...”
 - i. SMNA agrees that the RB CAO meets the intent of the Code since there is no federal or state ‘standard’ and the CAO is even more protective than the new PHG.
 - e) The Water Code continues to state that the alternative water provided also “... shall have comparable quality to that pumped by the public water system or private well owner prior to the discharge of waste.”
 - i. SMNA agrees that it is unacceptable for the SB to basically ignored this part of the Code.

- ii. SMNA agrees that no further definition of 'comparable quality was needed in the Code; it is clear as written and also is further defined in Resolution 92-49.
 - iii. SMNA also supports the RB CAO because it requires 'comparative level' alternative water for contaminated well water recipients. This is appropriate as the level of Perchlorate contamination outside the plume area is not 6ppb or higher.
- f) SMNA agrees that the SB response is inappropriately more protective of groundwater clean up levels (stating that below 6ppb is acceptable) than they are of people negatively impacted by the Perchlorate contamination (stating that no alternative water should be delivered for wells below 6ppb). Therefore, SMNA submits that the SB position is inconsistently protective and unacceptable to this community. We respectfully request that you reconsider your priorities. SMNA supports the RB CAO as written.

If the SB requires termination of alternative water for wells with detections below 6ppb, a great deal of additional, frequent monitoring of over 650 wells will most likely have to be required in order to make sure water recipients remain in the safe range as identified by OEHHA. This would be less protective of impacted residents and, in our view, would be unnecessarily a great deal more costly to petitioners as well as take valuable time, energy and money that can better be spent on timely long-term clean up design and implementation.

Additional data is needed to provide the basis for plume migration control and long-term clean up work plan development and implementation, which we desperately need to move forward in a timely manner. If residents continue to receive alternative water as designed in the CAO, community residents will have appropriate protection. This will also allow the time, energy and money associated with additional well monitoring to be appropriately re-directed toward plume definition refinement and groundwater characterization.

IN CONCLUSION: We submit that the State Board should encourage all Regional Boards across the State to emulate the professionalism of the Central Coast Regional Board. We have found the RB to be professional, impartial, dedicated and persistent. They actively listen and work responsibly with all stakeholders, are responsive, and carefully adhere to water policies.

Under their leadership, all stakeholders have stayed at the table, working together constructively to find timely solutions for the remediation of the Llagas Subbasin Perchlorate contamination issue. SMNA holds education, active listening and open communication between all involved parties as the keys to timely, successful problem solving. We are fortunate to have a RB that supports this philosophy.

Once again, SMNA thanks the State Board for the opportunity to provide input prior to the SB final petition response. We request that you seriously consider this input which

comes from community residents; those most deeply involved and affected on a daily basis by this contamination issue.

As you prepare your final response to the Olin petition, we trust that it will be reflective of the best interest of our community and supportive of the Central Coast Regional Board Alternative Water CAO.

Sincerely,

Sylvia Hamilton
SMNA President

SMNA Board:

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Denise Matulich – Secretary
Cleo Logan – Treasurer
Connie Ludewig – Director
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cc: SMNA Roster
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